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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,305	01/02/2001	Gen Suzuki	F-6806	5011

7590 04/30/2003

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EXAMINER
MARKS, CHRISTINA M

ART UNIT	PAPER NUMBER
3713	7

DATE MAILED: 04/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

N.K.

Office Action Summary	Application No.	Applicant(s)	
	09/755,305	SUZUKI, GEN	
	Examiner	Art Unit	
	C. Marks	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 February 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☒ The proposed drawing correction filed on *23 February 2003* is: a)☒ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Drawings

The objection to the drawings for the improperly spelled word "tiraining" has been withdrawn based upon the proposed drawing correction received 24 February 2003.

Further, the objection to the drawings for not showing the listed features of the claimed invention has been withdrawn due to the amendment of the claims filed 24 February 2003.

Specification

The objection to the disclosure for the abstract being too lengthy and the improperly spelled words has been withdrawn due to the amendment to the specification filed 24 February 2003.

Claim Objections

The objection to claims 1-11 is hereby withdrawn due to the amendment filed 24 February 2003 removing the language drawn to the numerous devices for which the Examiner asserted there was not clear support.

Claim Rejections - 35 USC § 112

The rejection of claims 1-11 under 35 U.S.C. 112, first paragraph for the lack of enablement, is hereby withdrawn due to the amendment filed 24 February 2003 removing the language drawn to the devices for which the Examiner asserted were not enabled.

The rejection of claims 1-11 under 35 U.S.C. 112, second paragraph for failing to satisfy means plus function language, is hereby withdrawn due to the amendment filed 24 February 2003 removing the means plus function language.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and those dependent therefrom recite the limitation "the lottery device" in line 16. There is insufficient antecedent basis for this limitation in the claim. There is no antecedent basis for a lottery device in the claim and it is therefore not readily apparent to one of ordinary skill in the art how a lottery device is used in obtaining a value used to determine how far the player will move along the route.

Further, claims 1 and those dependent therefrom and Claim 11 recite the limitation "the event production squares" in line 19 and line 15 respectively. There is insufficient antecedent basis for this limitation in the claim. There is no antecedent basis for event production squares in the claim and it is therefore not readily apparent to one of ordinary skill in the art what event production squares are and what exact squares are event production squares as claimed. It is unclear what type of squares the appearance of is controlled and whether or not they are part of the disclosed squares comprising the route.

Further, Claims 1 and those dependent therefrom and Claim 11 recite the limitation "the event production square" in line 21 and line 17 respectively. There is insufficient antecedent basis for this limitation in the claim. There is no antecedent basis for a single event production square in the claim and it is therefore not readily apparent to one of ordinary skill in the art how a

single event relating to a single square was produced after the appearance of a plurality of squares was controlled. There is no basis to make a distinction as to which square is being discussed.

Therefore, for examination purposes, that claims will be evaluated as best understood by the Examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 4, 5, 6/1, 6/2, 6/4, 6/5, 8/6/1, 8/6/2, 8/6/4, 8/6/5, 10 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Suzuki et al. (US Patent No. 6,227,968).

Suzuki et al. disclose a game system with an image display device (FIG 2, reference 31), and input device for outputting a signal according to an operation by a player (FIG 2, reference 10). The system also includes a game control device that centrally processes operation control of the entire apparatus (Column 7, line 10). The device monitors the actual input of the user (Column 7, lines 54-55) and outputs a game picture (FIG 7-9) according to a situation of the game. On the display, a route composed by arranging a plurality of squares and allocated symbols (FIG 7, reference M1-M4) representing an attribute allocated to the square in the form

of a direction is displayed (FIG 7; Column 8, lines 40-47). The player can then move about the input device and based upon the correct operational skill of the player enact a switch representing a value (Abstract). This character is then moved along the route according to the value input by the user (Abstract; FIG 7, reference D). The character representing a dance story is moved along the route, as the route is a representation of certain moves the character is to perform. The story representing the dance of a character is changed in connection with the position of the character as the character moves along the route (FIG 7-9). Thus, as the character moves along the route, a move is performed to represent that specific part of the route as a representation of the value determined by the input of the player (Column 10, lines 24-30). The system also has a peculiar value in the form of an evaluation result (Abstract) that represents a value relating to an event in the form of a dance move associated with the attribute of the square based on whether the character stopped at that square to perform a dance move (Abstract). The next stepping position square on the route is then indicated based upon the value of this evaluation result (Abstract; Column 10, lines 6-17). An event, based upon the player's operational skill and due to the fact that the player stopped on the square displayed by correctly choosing that square from the input value, in the form of furthering the dance is then produced to allow the player to continue to play the game based upon a predetermined relationship between the stopping point of the character and the attribute of the square (Column 10, lines 6-17). In summary, based on this evaluation value relating to event production in the form corresponding to the attributes of the square wherein the evaluation value is related to whether or not the actual production of the character directly corresponded to the correct attribute for the square, the appearance of further squares on the route is controlled. Upon completion of the game, an

ending is selected for display to a player that corresponds to the proceeding performance information (Column 10, lines 31-35) including the experience in the event up to the ending. This ending is inherently selected from a plurality of different endings as it is based upon the performance of the player up to the ending and not all players will perform identical. The ending is then displayed to the player via the display device (Column 10, line 34).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 7/6/1, 7/6/2, 7/6/4, 7/6/5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al. (US Patent No. 6,227,968) in view of Stamper et al. (US Patent No. 5,267,734).

Suzuki et al. disclose a game that allows a player to move along a route and execute events based upon that route. However, Suzuki et al. do not disclose letting a player practice.

Stamper et al. disclose that allowing a user to play a sequence before the actual time of gaming is allowed as the player can practice for the upcoming event with the aim to successfully accomplish the requirements of the game sequence when it really counts (Column 2, lines 32-37). In regards to the device discussed above that incorporates the concept of Suzuki et al. in an electronic environment with an input value based upon skill, it would have been obvious to one skilled in the art at the time of invention, based upon the teaching of Stamper et al., to allow players to have a practice time before the actual game. This would allow the players to become more skilled at operating the input device and more comfortable with their ability to correctly choose the result desired from the input device when the time counts thus increasing player enjoyment. Further in conjunction to the system of Suzuki et al., by allowing the practice based upon a square on the route, the player would be more motivated to continue trying to strive for that route in order to be allowed the benefit of a practice session to increase their ability in using the input device.

Response to Arguments

Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

Claims 3, 6/3, 7/6/3, 8/6/3, and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of Suzuki et al. does not allow for an input device configured for scrolling a row of numerical values in a predetermined range on the screen to be used in selecting the value. The value representing the movement of the character present in Suzuki et al. is based upon the input of where the user is moving their body at the present time and is not representative of a number. However, Oshima et al. also teaches that when users cannot directly influence the results of the game, it can become monotonous and not interesting (Column 1, lines 20-21). To overcome the fault, Oshima et al. disclose an indicator, which controls the progress of the game, that is displayed on the display and its contents are scrolled at a speed based upon the selected character. However, Oshima et al. is a game drawn to a sports embodiment where an input is used to control the movement of the characters and there is no motivation present in the record for combining the teachings of Oshima et al. into the device of Suzuki et al. to employ a scrolling device for selecting a value. This would not be desirable in the system of Suzuki et al. as the purpose of the Suzuki et al. system is to obtain the value based upon the input of the user's motion.

Though Suzuki et al. disclose a value that is used to determine the appearance of the next square on the route, Suzuki et al. do not disclose that the value is increased by a predetermined amount and when the value reaches a predetermined value, the squares are the allowed to appear on the screen. The evaluation result used in Suzuki et al. is based upon the monitoring result for the first set of data corresponding to the values of the player input. There is no motivation to use the value calculation as disclosed by the Applicant and thus claim 9 is allowable over the art of record.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 6,283,854: A player can move in accordance with a map and when a certain square is reached a battle processing occurs.

US Patent No. 6,267,674: Two game genres are played in one where a player can move along a route that is not fully visible based upon certain input operations and rules.

US Patent No. 5,050,883: Plurality of squares that define a route wherein events can occur based upon where the player lands on the route.

US Patent No. 6,533,663: Player moves about a game space where events associated with the game space are influenced by a value representing the strength of the player.

US Patent No. 6,454,653: A grid of squares representing a route wherein each square has a value associated with it and the value is used to determine the setting of friend and enemy characters.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Marks whose telephone number is (703)-305-7497. The examiner can normally be reached on Monday - Friday (7:30AM - 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, V. Martin-Wallace can be reached on (703)-308-1148. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-872-9302 for regular communications and (703)-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-1148.

cmm
April 22, 2003

MICHAEL O'NEILL
PRIMARY EXAMINER